

## **EXHIBIT 5**

\*\* CONFIDENTIAL TRANSCRIPT - ATTORNEYS' EYES ONLY \*\*

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

## WESTERN DIVISION

SONY CORPORATION, A Japanese )

corporation,

)

Plaintiff, )

)

vs. )

) SACV-08-01135

VIZIO, INC., ) RGK (FMOx)

) PAGES 1 - 49

Defendant. )

)

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)

TELEPHONIC MEET AND CONFER

LOS ANGELES, CALIFORNIA

FRIDAY, JULY 17, 2009

REPORTED BY:

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CSR NO. 4148

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1           \*\* CONFIDENTIAL TRANSCRIPT - ATTORNEYS' EYES ONLY \*\*

2       and after we responded with our own letter, if  
3       a meet-and-confer is still necessary during  
4       that meet-and-confer.

5           But what I will say, Tom -- and we  
6       have told you this numerous times -- we have  
7       given you all the documents that we have in  
8       our possession that are relevant and  
9       responsive. We do not have source code. We  
10      are double and triple checking that to be sure  
11      because this is obviously a sensitive issue  
12      with you, but we have asked, we have looked as  
13      hard as we can for it, we will continue to,  
14      but it shouldn't be a surprise to you, Tom,  
15      given Vizio's position and its business, that  
16      it doesn't have the source code.

17           We have told you numerous times you  
18      need to go to Media Tech to get that. We have  
19      noticed that Sony has subpoenaed everyone  
20      under the sun except Media Tech, even though  
21      Media Tech supplies over 90 percent of the  
22      chips used in Vizio's products.

23           So you're barking up the wrong tree.  
24      You need to go to Media Tech.

25           We have asked you numerous times:

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2       we expect you to produce it.

3           MR. McCRUM: They haven't made them  
4       available to us. We don't have them. Media  
5       Tech has them.

6           And your concern about: You know,  
7       we haven't decided where we're going to get  
8       these from, we're going to try to get these  
9       through Vizio, that hasn't stopped you from  
10      subpoenaing all these other companies.

11           If your approach was that you want  
12      to get to these documents through Vizio, why  
13      did you go Subpoena everyone else? They are  
14      in the same position.

15           So you have got to go to Media Tech.

16           We are running out of time. You guys have  
17      imposed this aggressive schedule. We have a  
18      trial set for January. We are several months  
19      into discovery, we are more than eight months  
20      after you filed your Complaint, and there is  
21      no effort whatsoever from Sony to get these  
22      documents from the people -- the company that  
23      has them. It's Media Tech. I told you a  
24      million times. You need to go there.

25           So I suggest you do what you have

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2       done with all these other companies and  
3       subpoena the U.S. presence Media Tech and get  
4       the information that you're trying to get from  
5       us. We don't have it. As you know they have  
6       got an office in California. They got an  
7       office in Austin, Texas. They have got an  
8       office in Boston.

9                          Go do what you did with these other  
10      companies and subpoena those U.S. entities.

11     But, you know, I just can't -- I don't know  
12     why you're not going to the company that  
13     supplies over 90 percent of our chips, and yet  
14     you spend all this time and energy on these  
15     other third parties.

16     MR. PEASE: First of all, I disagree with  
17     your characterization. I am going to ask you  
18     about the same question about AmTran, namely,  
19     you know, is it Vizio's position that it is  
20     not going to produce AmTran documents that are  
21     in Vizio's possession or to which Vizio  
22     engineers have access in the ordinary course  
23     of business?

24     MR. McCRUM: Look, Tom, we have talked  
25     about this enough already. These are issues

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2 interrogatory response was nonsubstantive. It  
3 was actually a quite substantive response.  
4 Sony looked at every single User Manual, again  
5 at Vizio's request. And based on that review  
6 of User Manuals Sony dropped entire Vizio  
7 products from its claim of infringement of the  
8 468 and 055 patent. So that was such a  
9 substantive response that Vizio doesn't have  
10 to worry about Sony bringing claims of  
11 infringement against, you know, some of its  
12 televisions, based on that -- based on that  
13 interrogatory response.

14           MR. McCRUM: I think the record of the  
15 actual supplementation speaks for itself on  
16 that point, so we don't need to get into that  
17 any further.

18           The other issue we talked about  
19 already was with Media Tech. We asked you if  
20 you folks are planning to subpoena Media Tech.  
21 I am not sure I got a clear answer on that.

22           Is that in Sony's plans or not?

23           MR. PEASE: It's my understanding Sony  
24 does intend to seek discovery from Media Tech.

25           MR. McCRUM: You don't know if that's

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2         through subpoena or some other informal means?

3           MR. PEASE: Or a different procedure  
4         means.

5           MR. McCRUM: What other procedural means  
6         are available, Tom?

7           MR. PEASE: Well, there's letters of  
8         rogatory, and other procedural avenues  
9         available to us.

10          My understanding is Sony is  
11         considering those avenues.

12          MR. McCRUM: Let's move on to the next  
13         issue in the various letters, which is the  
14         issue about expert discovery and expert  
15         reports.

16          And I know, Todd, that you indicate  
17         in your letter that you don't think it's  
18         appropriate or proper for us to be discussing  
19         that today because it wasn't sufficiently  
20         raised in my letter, but I'd like to make a  
21         proposal anyway.

22          I am not asking you for a response  
23         today, but you have offered to consider this  
24         issue and talk about it more next week, and  
25         that would be fine by us, but just to get the